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INFO RUEHZS/ASSOCIATION OF SOUTHEAST ASIAN NATIONS PRIORITY

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C O N F I D E N T I A L SECTION 01 OF 02 JAKARTA 001573

SIPDIS

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E.O. 12958: DECL: 08/19/2018

TAGS: PGOV CTER ASES ID AS

SUBJECT: BALI BOMBERS FILE ANOTHER APPEAL, BUT GOI SAYS EXECUTION PLANS ARE MOVING FORWARD

REF: JAKARTA 1463 AND PREVIOUS

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Classified By: Pol/C Joseph L. Novak, reasons 1.4(b+d).

¶11. (C) SUMMARY: The three Bali bombers have filed a last-ditch appeal of their case to Indonesia's Constitutional Court. GOI officials have underscored that the terrorists have already used up all of their appeals in the Supreme Court system and, thus, can be executed at any time. Most contacts believe that the executions could very well happen before September 1, the start of the month-long Ramadan fasting timeframe. One contact in the President's Office told us that "everything is ready to go," but he did not predict that any action was necessarily imminent.

¶12. (C) SUMMARY (Con'd): In other news related to law enforcement, the GOI announced on August 17 (Indonesia's national day) its annual remissions list. Unlike past years, no well-known terrorists reportedly had their sentences remitted. As part of the announcement, which basically impacts all prisoners who exhibit "good behavior," the convicted killer of Munir Thalib, the well-known human rights activist, had his 20-year prison sentence remitted by three months. Pol/C expressed concern about this to a GOI contact.  
END SUMMARY.

BALI BOMBERS LODGE APPEAL

¶13. (C) The Bali bombers' case continues to make news. The three, who were sentenced to death for their roles in the October 2002 bombings, have appealed their sentences to the

Constitutional Court. The three (and their lawyers) vociferously claim that execution by firing squad--the mandated mode in Indonesia--is "torture" and thus prohibited per the Indonesian Constitution. The three also lodged some other less-central claims. The Constitutional Court has not yet announced whether it plans to hold a hearing on the matter or form a bench to review the claims on a substantive basis.

#### GOI SAYS IT CAN MOVE FORWARD

¶ 4. (C) The GOI, for its part, is not impressed. Unnamed officials were quoted in the press as stating that the Constitutional Court should not be involved in the matter. They say that the Supreme Court--which rules on issues related to crime and terrorism after appeals are launched up the chain from the court of first instance--has already fully judged the case and thus the three have already "used up" their appeals. Thus, per this line of reasoning, the executions could happen "at any time."

¶ 5. (C) The GOI seems serious about moving forward. In recent meetings with Pol/C, representatives of the President's and the Vice President's Offices both said that the GOI was ready to execute the three. Tri Sukma "Nanu" Djandam, an assistant in the President's International Relations Office, told Pol/C on August 19 that "everything is ready to go." That said, he did not predict when the executions would actually take place. He commented that it was "highly unlikely" that the three would be executed during Ramadan, an important Muslim timeframe which begins in Indonesia on September 1 and lasts one month. He said that left the rest of August or after Ramadan.

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#### SECURITY TIGHTENED AT PRISON

¶ 6. (C) There are reports that security has been further tightened in the area of the prison where the three terrorists are incarcerated. The prison, which is located on Nusa Kambangan Island off the coast of Central Java, is considered high-security, holding many of the country's most dangerous criminals. According to reports, police reinforcements have been sent to the wider area in order to make sure that there are no security incidents. The three prisoners have been given access to their families and lawyers. The warden of the prison has been quoted as stating that the prison is preparing for the executions. The three were not allowed, for example, to attend the August 17 national day celebrations at the prison. The warden stated to the press: "We do not want to run the risk of letting them participate in the ceremony and having any incident at this time. We have difficulties managing their behavior--they always insult people in the prison, including guards."

#### REMISSIONS

¶ 7. (C) In other news, the GOI has announced its annual "remissions" of prisoner sentences. The GOI announced the list on August 17, Indonesia's national day. The list included over 62,000 names of prisoners. Some 5,000 prisoners walked free due to the remission of their sentences (the remissions generally were for about three months for each prisoner, so if someone walked free they were near the end of their sentence). Unlike past years, no well-known terrorists had their sentences remitted as far as we are aware. Mission is trying to confirm this with the GOI.

¶ 8. (C) As part of the announcement, which basically impacts all prisoners who exhibit "good behavior," the convicted killer of Munir Thalib, the well-known human rights activist, had his 20-year prison sentence remitted by three months. In his meeting with Djandam of the President's Office, Pol/C noted that it was very unfortunate that Polycarpus Budihari

Priyono (the convicted murderer) was able to benefit from the announcement given the brutality and shocking nature of the crime. Djandam said he appreciated that, but added that Polycarpus had "apparently exhibited the good behavior necessary and thus met the general criteria."

¶9. (U) (Note: Well known convicted drug smuggler, Australian national Schapelle Corby, also benefited from the remission policy as did some members of the Bali "Nine" heroin smuggling ring, which also includes Australian nationals.)

¶10. (C) After years of criticism of the seeming liberality of its remissions policy, the government has put in place new rules, which will cut down on the number of remissions. Prisoners convicted since October 2007 of any crime involving narcotics, terrorism, corruption or illegal logging will no longer be eligible to have their sentences remitted. The new rules are not retroactive, however.

HUME